

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

H. LUNDBECK A/S, TAKEDA )  
PHARMACEUTICAL COMPANY LTD., )  
TAKEDA PHARMACEUTICALS U.S.A., )  
INC., TAKEDA PHARMACEUTICALS )  
INTERNATIONAL AG, and TAKEDA )  
PHARMACEUTICALS AMERICA, INC., )  
Plaintiffs, ) C.A. No. 18-88-LPS  
v. ) CONSOLIDATED  
APOTEX INC., et al., )  
Defendants. ) ) PUBLIC VERSION –  
 ) FILED MAY 13, 2020

**DEFENDANTS' MOTION TO STRIKE PORTIONS OF  
PLAINTIFFS' EXPERT REPORTS TO LUPIN**

Defendants Lupin Pharmaceuticals, Inc. and Lupin Limited (collectively, “Lupin”) respectfully move to strike certain portions expert reports served by Plaintiffs H. Lundbeck A/S, Takeda Pharmaceutical Company Ltd., Takeda Pharmaceuticals U.S.A., Inc., Takeda Pharmaceuticals International AG, and Takeda Pharmaceuticals America, Inc. (collectively, “Plaintiffs”), for asserting a theory of infringement not previously disclosed. The grounds for this motion are set forth in Lupin’s letter brief in support of this motion, filed concurrently herewith.

Pursuant to the Court’s procedure, copies of the reports that are the subject of this motion, are attached hereto as identified below. Portions highlighted reflect opinions that relate to the new infringement theory, but may include opinions regarding other theories as well. Lupin’s motion is intended to cover any opinion that Lupin infringes based on the new infringement theory, as explained in the letter brief filed concurrently herewith. Exhibits attached hereto are as follows:

- **Exhibit A:** Opening Expert Report of Dr. Allan S. Myerson Regarding Lupin's Infringement of U.S. Patent Nos. 8,722,684, 8,969,355, 9,227,946, 9,861,630, and 9,278,096
- **Exhibit B:** Appendix C to the Opening Expert Report of Dr. Allan S. Myerson Regarding Lupin's Infringement of U.S. Patent Nos. 8,722,684, 8,969,355, 9,227,946, 9,861,630, and 9,278,096
- **Exhibit C:** Expert Report of Mickael Morin, Ph.D. Regarding S-XRPD Testing

Dated: May 6, 2020

/s/ James M. Lennon

DEVLIN LAW FIRM LLC

James M. Lennon (#4570)  
1526 Gilpin Ave.  
Wilmington, DE 19806  
(302) 449-7676  
jlennon@devlinlawfirm.com

OF COUNSEL:

Deepro R. Mukerjee  
Lance Soderstrom  
KATTEN MUCHIN ROSENMAN LLP  
575 Madison Avenue  
New York, NY 10022-2585  
(212) 940-8800

Jitendra Malik  
Joseph M. Janusz  
Alissa M. Pacchioli  
KATTEN MUCHIN ROSENMAN LLP  
550 South Tryon Street, Suite 2900  
Charlotte, NC 28202-4213.  
(704) 444-2000

*Attorneys for Defendants Lupin Limited and  
Lupin Pharmaceuticals, Inc.*

**D. DEL. L.R. 7.1.1 CERTIFICATION**

Pursuant to D. Del. LR 7.1.1, Defendants state that a reasonable effort has been made to reach agreement with Plaintiffs on the subject of this motion, but the parties have been unable to reach agreement.

*/s/ James M. Lennon*  
James M. Lennon